



To: Planning Commission

From: Angela Parker, Director of Community Development

Date: December 3, 2014 for submission onto the December 18, 2014 Planning Commission Meeting

Agenda Item: **201403566 4825 High Point Road**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

DENIAL of a request to rezone the subject property from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District) to create two (2) lots.

Staff has received no additional information from the applicant.

PLANNING COMMISSION RECOMMENDATION- December 18, 2014 201403566- Deferral

PLANNING COMMISSION RECOMMENDATION- January 15, 2015 201403566- TBD

PROPERTY INFORMATION

Address, Land Lot, and District	4825 High Point Road Land Lot 40, District 17
Council District	5 (Tiberio "Tibby" DeJulio)
Frontage	Approximately 166 feet of frontage along the east side of High Point Rd Approximately 275 feet of frontage along the south side of West Northway Ln
Area	0.99 Acres
Existing Zoning and Use	R-2 single family dwelling.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R1-2 (1-2 units per acre)
Proposed Zoning	R-3 (Single Family Dwelling District)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
PriceWorks, LLLP	Robert McConnell, Inc.	Nathan V. Hendricks
Community Zoning Information Meeting October 28, 2014	Community Developer Resolution Meeting December 4, 2014	Planning Commission Hearing December 18, 2014
		Mayor and City Council Hearing January 20, 2015

COMMUNITY DEVELOPMENT

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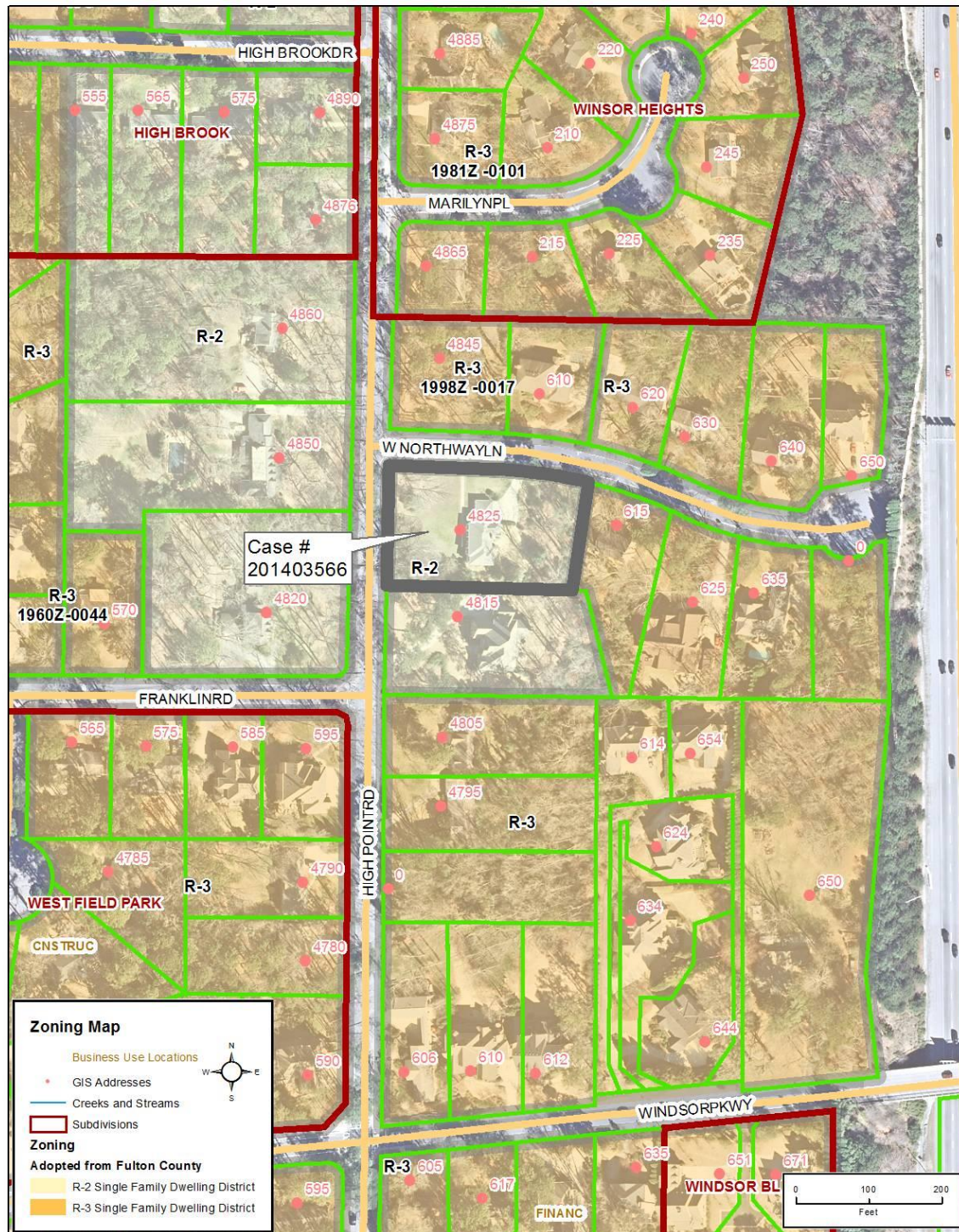
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

SUBJECT PETITION 201403566	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Units per Acre)
	R-3	Single Family	.987	2	2.03 units/ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	R-3	Single Family	0.450	1	~ 2.22 units/ac
North	R-3	Single Family	0.550	1	~ 1.82 units/ac
East	R-3	Single Family	0.456	1	~ 2.19 units/ac
South	R-2	Single Family	0.998	1	~ 1.00 units/ac
West	R-2	Single Family	1.531	1	~ 0.65 units/ac
West	R-2	Single Family	1.377	1	~ 0.73 units/ac

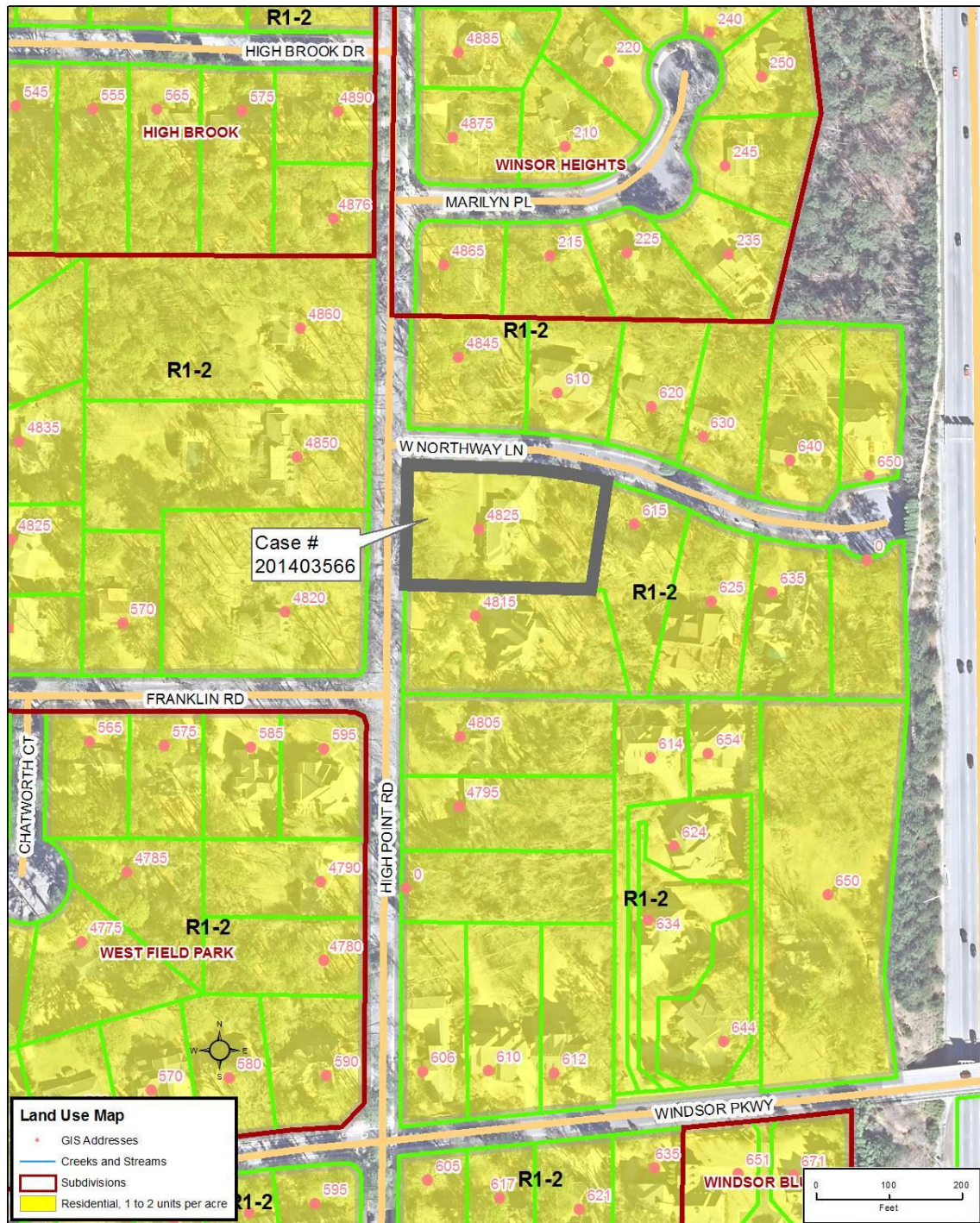
Zoning Map

4825 High Point Road



Future Land Use Map

4825 High Point Road



ZONING IMPACT ANALYSIS

Request to rezone the subject property from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District) to create two (2) lots.

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Findings: The staff is of the opinion that single family residential use is appropriate. However, the proposed density is inconsistent with the existing properties along High Point Road, and is therefore not suitable. Three of the four lots fronting High Point Road which surround this property are zoned R-2 (Single Family Dwelling District) and are two thirds (2/3) acre in size or larger. The surrounding area consists of: R-2 (Single Family Dwelling District) to the south and west; and R-3 (Single Family Dwelling District) to the north and east.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Findings: The staff is of the opinion that the proposed increase in density may adversely affect the existing use, usability, and character of the adjacent residential properties.

C. Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.

Findings: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

Findings: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The proposed development will be required to meet all current City codes and ordinances.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

Findings: The staff is of the opinion that the proposal is not consistent with the future land use plan, which designates the property as R1-2 (1 to 2 units per acre). The proposal is not consistent with the Comprehensive Plan Policies that call for the protection of existing neighborhoods and new projects to be developed at a scale similar to surrounding properties, in that many properties along High Point Road are typically one (1) acre or larger.

Land Use Policies – Protected Neighborhoods (2027 Comprehensive Plan, Chapter 5: Policies – Page 100)

The following policies apply to all properties within the boundary of protected neighborhoods as shown on the future land use plan map. Where consistent with the context, such policies may be determined appropriate in transitional areas.

1. Protect the character and integrity of existing neighborhoods, while also meeting the needs of communities.
4. Limit infill development within protected neighborhoods to densities that are consistent with the surrounding residential development.

6. Residential infill development in protected neighborhoods should maintain the existing dwelling setback pattern in relation to the street.

Land Use Policies – Transitional Areas (2027 Comprehensive Plan, Chapter 5: Policies – Page 100)

Transitional areas are areas where land use changes from one use to another and areas with the same use, but where intensities change from lower to higher.

The area and lot width of any new lot for detached, single-family dwellings facing the same street as that serving the neighborhood, should not be less than 80 percent of the area of the existing lot it abuts in the protected neighborhood fronting on the same street.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

Findings: The staff is of the opinion that the recent council action denying a request to subdivide property along High Point Road constitutes a changed condition which gives supporting grounds for denial of the applicant's proposal.

- G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.*

Findings: The staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs. The proposal will be required to meet all current City Codes including a stormwater management system.

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on June 4, 2014 at which the following departments had comments. The staff has received additional comments from Fulton County Department of Health and Wellness (see attachments).

PUBLIC INVOLVEMENT

Public Comments

None

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is inconsistent with the Comprehensive Plan. The proposed density of 2.03 units per acre is greater than the maximum density recommended by the Future Land Use Map and is not in compliance with the other policies outlined in the Comprehensive Plan. Additionally, approval of this request could potentially trigger further lot subdivisions along High Point Road. Council's recent denial of a rezoning request on High Point Road further supports the denial of this request. Therefore, based on these reasons, the staff recommends **DENIAL** of the rezoning petition.

Should the Mayor and City Council decide to rezone the subject property from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District), the staff recommends the approval be subject to the R-3 regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances and the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Residential units at a density of 2.03 units per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated October 3, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

Attachments

- Letter of Intent received October 3, 2014
- Site Plans dated received October 3, 2014
- Additional comments from the Fulton County Department Health and Wellness